



Lorinda Meier Youngcourt
Trial Attorney, WA Bar 50988
Federal Defenders of Eastern WA & ID
10 North Post, Suite 700
Spokane, WA 99201
(509) 624-7606
Lorinda.Youngcourt@fd.org
Counsel for James Dean Cloud

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES DEAN CLOUD,

Defendant.

Case No. 1:19-cr-02032-SMJ-1

MOTION FOR UNREDACTED DISCOVERY

JAMES DEAN CLOUD, by counsel, Lorinda Meier Youngcourt, moves the
Court to order the United States Government to provide unredacted discovery.

1 The government charged Mr. Cloud with Assault with a Dangerous Weapon
2 on an Indian Reservation on June 10, 2019. ECF No. 1. The next day, the Grand
3 Jury returned an indictment charging Mr. Cloud with a Carjacking, under 18 U.S.C.
4 §2119, and Brandishing a Firearm During a Crime of Violence, under 18 U.S.C.
5 §924(c)(1)(A)(i), and (ii). ECF. No. 17. If found guilty of count 2 the maximum
6 penalty is life imprisonment. ECF No. 19.

7 Mr. Cloud's defense team was recently advised by the government that a
8 superseding indictment is expected in early February of 2020 which will add charges
9 and an additional co-defendant.

10 The government has provided over 10 gigabytes of discovery including 8,000
11 pages of written discovery, numerous photographs, and audio files. There are
12 redactions throughout the documents provided. The redactions make it difficult and
13 in some instances impossible for counsel and Mr. Cloud to understand the evidence
14 and prepare his defense.

15 There is no provision in Federal Rule of Criminal Procedure 16 or LCrR 16
16 which provides for the provision of redacted discovery. In order for Mr. Cloud to
17 receive the effective assistance of counsel in preparation of his defense he must be
18 provided discovery which is not redacted¹.

19
20 ¹ Mr. Cloud concedes that *Weatherford v. Bursey*, 97 S.Ct. 837, 846 (1977) states, "There
21 is no general constitutional right to discovery in a criminal case."

1 Dated: January 24, 2020

2 /s/Lorinda Meier Youngcourt
3 Lorinda Meier Youngcourt
4 Federal Defenders of Eastern WA & ID
5 10 North Post, Suite 700
6 Spokane, WA 99201
7 (509) 624-7606
8 Lorinda_Youngcourt@fd.org

6 **Certificate of Service**

7 I certify that on January 24, 2020, I electronically filed the foregoing with the
8 Clerk of the Court using the CM/ECF System, which will notify Assistant United
9 States Attorneys Thomas J. Hanlon and Richard Cassidy Burson.

10 /s/Lorinda Meier Youngcourt
11 Lorinda Meier Youngcourt
12 Federal Defenders of Eastern WA & ID
13 10 North Post, Suite 700
14 Spokane, WA 99201
15 (509) 624-7606
16 Lorinda_Youngcourt@fd.org